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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,466	04/06/2001	Frederick Schuessler	7157-291	6160
23720	7590	07/25/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			FUREMAN, JARED	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/827,466

Applicant(s)

SCHUESSLER ET AL.

Examiner

Jared J. Fureman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,9-11,13,14,18-20,23-25,28-30,33,37,38,116 and 131 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9-11,13,14,18-20,23-25,28-30,33,37,38,116 and 131 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Receipt is acknowledged of the amendment, filed on 4/7/2005, which has been entered in the file. Claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 33, 37, 38, 116 and 131 are pending.

### ***Claim Objections***

1. Claim 131 is objected to because of the following informalities:

Claim 131:

Line 8, "the" (both occurrences) should be deleted, in order to avoid a lack of proper antecedent basis for "the bar codes" and "the bar code readers".

Line 9, "the" (second occurrence) should be replaced with --an--, in order to avoid a lack of proper antecedent basis for "the Internet portal".

Line 12, "the" (both occurrences) should be deleted, in order to avoid a lack of proper antecedent basis for "the information" and "the destination".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 32, 33, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al (US 5,992,752, previously cited) in view of Hudetz et al (US 6,199,048, previously cited).

Re claims 1, 4-6, 9, 10, 13, 14, 18-20, 23-25, 28, 29, 32, 33, 37 and 38: Wilz, Sr. et al teaches a method for processing information and a portal for processing information, comprising:

b) receiving information (information contained in barcode 8, see figure 3 and column 20, lines 14-16), at a remote device (a device of ISP 4, see figure 3 and column 20, line 9) including a first interface, from a plurality of bar code scanners (terminal 26, see figure 3 and column 20, line 5. While only a single terminal 26 is shown in figure 3, it is clear that a base station 27 (such as a cellular base station or satellite-base station, see column 20, lines 27-28) and ISP 4 is designed to be used by a plurality of users, thus suggesting a plurality of terminals 26) the received information from each bar code scanner including source (each terminal 26 will necessarily have an identifier, such as a network or device identifier, so that the cellular or satellite base station can communicate with specific terminals on the network) and bar code information (information from bar code 8);

c) identifying (using a processor at the ISP 4) at least a portion of destination information (the URL of a Web-site, see column 20, lines 14-15) based on at least a portion of the received bar code information (the bar code information represents the URL, see column 20, lines 14-15);

d) accessing from the remote device data stored at a network location referenced by the identified portion of the destination information (the ISP 4 accesses data stored at the Web-site identified by the URL, see column 20, lines 3-17); and

e) providing the data received by the remote device from the network location to users of the bar code scanners based on the received source information (the ISP 4 will provide the Web-site data to users of the terminals 26 based on the received terminal identifier) (also see figure 3 and column 20, lines 1-52).

Wilz, Sr. et al also teaches the information received from the bar code scanners being in an encrypted form (the bar code information is communicated from the terminal 26 in an encoded form according to the particular communications protocol being used, thus, the information can be considered encrypted), further comprising the processor decrypting the received information (the ISP will extract the information transmitted by the terminal 26 from the encoded form of the particular communications protocol being used); wherein receiving the information from the bar code scanners comprises receiving identification information associated with the bar code scanners (the network or device identification of the terminal 26, as discussed above); wherein receiving the information comprising: receiving a portion of the destination information associated with the bar code information (as discussed above, the barcode 8 includes a portion of the destination information, the URL); associating a bar code image file with one or more of the bar codes (the information encoded by the bar code 8 represents a bar code image file, since the image of the bar code represents the information encoded therein); receiving time information (for example, time/date field 38E, see figure 6B)

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from one or more of the bar code scanners; receiving location information (for example, the network/terminal ID address of the terminals 26) from one or more of the bar code scanners; wherein the information is received by the remote device wirelessly (the base station 27 receives information from the terminals 26 wirelessly, see figure 3 and column 20, lines 9 and 27-28); wherein the network location is an Internet location (as discussed above, the URL of a Web-site is an Internet location).

Wilz, Sr. et al fails to specifically teach a) maintaining a database of bar codes and destination information associated with the bar codes, the database being accessible by the remote device; c) identifying at least a portion of the destination information stored in the database based on at least a portion of the received bar code information; disassociating the bar codes with the destination information associated with those bar codes.

Hudetz et al teaches a method for processing information and a portal for processing information, comprising: a) maintaining a database (60, see figure 4 and column 7, lines 1-9) of bar codes (fields 70 and 72 containing UPC codes, see figure 4 and column 7, lines 1-9) and destination Information (URL in field 74, see figure 4 and column 7, lines 1-9) associated with the bar codes, the database being accessible by a remote device (service provider 22, see figure 4 and column 7, lines 1-9); c) identifying (using a processor at service provider 22) at least a portion of the destination information stored in the database based on at least a portion of the received bar code information (a UPC received from bar code reader 44, see figure 5 and column 8, lines 40-46); disassociating the bar codes with the destination information associated with

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those bar codes (for example, when a network address is changed/updated the previous network address will be disassociated with the bar code, see column 3 lines 1-37, and column 3 line 58 - column 4 line 31); (also see figures 1, 2, 4, 5, 7, 8, 10, column 3 lines 1-37, column 3 line 58-31, column 4 line 64 - column 5 line 5, column 6 lines 7-18, column 7 line 1 - column 9 line 20, column 10 lines 5-12).

In view of Hudetz et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and portal as taught by Wilz, Sr. et al, a) maintaining a database of bar codes and destination information associated with the bar codes, the database being accessible by the remote device; c) identifying at least a portion of the destination information stored in the database based on at least a portion of the received bar code information; disassociating the bar codes with the destination information associated with those bar codes; in order to allow the use of shorter bar codes and allow the change of network addresses without the need to update the bar codes (see column 3 lines 1-37, and column 3 line 58 - column 4 line 31, of Hudetz et al).

Re claims 11 and 30: The teachings of Wilz, Sr. et al as modified by Hudetz et al have been discussed above.

Wilz, Sr. et al as modified by Hudetz et al fails to specifically teach associating security information with one or more of the bar code scanners before allowing use of the one or more scanners.

However, official notice is taken that at the time of the invention it was old and well known to those of ordinary skill in the art to require a password or personal

identification number when logging-in to an ISP or when accessing a computer terminal (such as the ISP 4 and terminal 26, as taught by Wilz, Sr. et al), in order to prevent unauthorized persons from gaining access.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method and portal as taught by Wilz, Sr. et al as modified by Hudetz et al, associating security information with one or more of the bar code scanners before allowing use of the one or more scanners, in order to prevent unauthorized persons from gaining access to the system, thereby improving security.

4. Claim 116 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al in view of Bianco (US 5,979,762, previously cited).

As discussed above, Wilz, Sr. et al as teaches a method for using a bar code encoded with information (a URL) corresponding to an externally assigned entity (the Web-site that the URL refers to), comprising: connecting a user to an Internet portal (the ISP 4, see figure 3) when the bar code is read with a bar code reader (terminal 26, see figure 3); transmitting information (the content of the Web-site) from the Internet portal to the user when the user connects to the Internet portal.

Wilz, Sr. et al fails to specifically teach providing the bar code with a prefix portion indicating whether the bar code is encrypted or not; and connecting a user to the Internet portal in depending upon whether the bar code is encrypted.

Bianco teaches a method for providing encrypted bar codes and allowing a user access to selected information/areas in dependence of whether the bar code is



encrypted or not (see figures 2-3, column 2 lines 48-64, and column 3 line 15 - column 5 line 42).

In view of Bianco's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Wilz, Sr. et al, providing the bar code with a prefix portion indicating whether the bar code is encrypted or not; and connecting a user to the Internet portal in depending upon whether the bar code is encrypted, in order to provide greater security.

5. Claim 131 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al as modified by Hudetz et al.

As discussed above, Wilz, Sr. et al as modified by Hudetz et al teaches a method comprising: receiving bar codes (bar codes 8, see figure 3) selected by a group of users using bar code readers (users of terminals 26, see figure 3); allowing the group of users to connect to an Internet portal (ISP 4, see figure 3) in response to receiving the bar codes; permitting the group of users to access a common web page based on information encoded in each bar code and based on destination information (the URL of a Web-site) corresponding to the received bar codes, wherein the destination information is accessible from the Internet portal.

Wilz, Sr. et al as modified by Hudetz et al fails to specifically teach permitting the group of users to communicate with each other through the common web page.

However, official notice is taken that at the time of the invention it was well known to those of ordinary skill in the art that a group of users can communicate with each

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other through a common web page (for example, users can communicate with each other through chat rooms, message boards, forums, etc., located at a web site).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Wilz, Sr. et al as modified by Hudetz et al, permitting the group of users to communicate with each other through the common web page, (for example, in order to allow users to access information such as product, book, or movie reviews, etc., written by other users), thereby encouraging continued use of the web page(s).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 33, 37, 38, and 131 have been considered but are moot in view of the new ground(s) of rejection. As discussed above, the embodiment of figure 3 of Wilz, Sr. et al is now being applied to these claims. Furthermore, allowing a group of users to communicate with each other through a common web page (a web page containing a chat room, message board, forum, etc.) was well known to those of ordinary skill in the art at the time of the invention.

7. Applicant's arguments with respect to claim 116, filed 2/7/2005 have been fully considered but they are not persuasive.

Re claim 116: In response to applicant's argument that there is no teaching or suggestion in either Wilz, Sr. et al or Bianco to connect to either the Internet or a telephone number depending on whether or not a scanned bar code had a prefix

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indicating whether or not the code was encrypted (see page 14, of the amendment filed on 2/7/2005), Wilz, Sr. et al teaches connecting a user to an Internet portal (Internet service provider 4) when a bar code (8) is read, and transmitting information (website information, for example) from the portal to the user when connected to the portal.

Bianco teaches that a bar code symbol 22 encrypted in a unique format may be appended in front of bar code symbol 12 (see column 4, lines 1-9, of Bianco). The bar code symbol 22 requires a special decoder in order to translate the information. Thus, applications requiring security utilize bar code symbol 22 and a special decoder.

Therefore, the combination of Bianco with Wilz, Sr. et al results in a method where a user would be connected to a secure application through an Internet portal if the barcode was encrypted and the special decoder was used, or the user would not be connected if an encrypted barcode or special decoder was not used. Stated simply, the user would be allowed access if the encrypted bar code and special decoder was used and the user would not be allowed access if the encrypted bar code or special decoder was not used. Thus, the user would be connected to the Internet portal in dependence on whether the bar code is encrypted. Claim 116 recites, "... a telephone number or an Internet portal ...", the use of alternative language "or" only requires the reference to teach one of the alternative limitations to meet the claim. Since Wilz, Sr. et al teaches connecting a user to an Internet portal and Bianco teaches allowing access in dependence on whether a bar code is encrypted, the combination of Wilz, Sr. et al and Bianco meets the claimed limitations. Therefore, it is believed that the amendments to claim 116 do not distinguish claim 116 from the prior art.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wellner (US 5,640,193) teaches a method and portal for processing information.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jared J. Fureman  
Primary Examiner  
Art Unit 2876

July 21, 2005